

DRAFT MEETING MINUTES
REGULAR MEETING OF THE
CITY OF ALAMEDA PLANNING BOARD
MONDAY, AUGUST 27, 2012

1. CONVENE: 7:08 p.m.

2. FLAG SALUTE: Board member Köster

3. ROLL CALL: Present: President Zuppan (arrived late), Vice-President Burton, Board members Ezzy Ashcraft, Henneberry, Knox White, and Köster.

Absent: None

4. MINUTES:

Minutes from the Regular meeting of June 25, 2012

Board member Knox White motioned to approve minutes as amended

Board member Ezzy Ashcraft seconded the motion

Motion carried, 6-0; no abstentions

Minutes from the Regular meeting of July 9, 2012

Board member Knox White motioned to approve minutes as amended

Board member Henneberry seconded the motion

Motion carried, 4-0; abstentions Vice President Burton and Board member Köster

Minutes from the Regular meeting of July 23, 2012

Board member Knox White motioned to continue the minutes

Board member Ezzy Ashcraft seconded the motion

Motion carried, 6-0; no abstentions

5. AGENDA CHANGES AND DISCUSSION

Andrew Thomas, Planning Services Manager, requested that item 8B be moved from the consent calendar to the regular agenda items.

Board member Ezzy Ashcraft motioned to move item 8B from the consent calendar to the regular agenda items.

Board member Henneberry seconded the motion.

Motion carried, 5-0; no abstentions

Andrew Thomas requested that item 9D be continued to a date yet determined to allow staff more time to prepare the report.

Board member Ezzy Ashcraft motioned to continue item 9D to a date yet to be determined in the future.

Board member Knox White seconded the motion

Motion carried, 5-0; no abstentions

STAFF COMMUNICATIONS

6-A Future Agendas

Andrew Thomas, Planning Services Manager, provided an overview of upcoming projects.

President Zuppan arrived.

7. ORAL COMMUNICATIONS

President Zuppan opened Oral Communications.

Kelly Johnston, St. Joseph's Elementary School, stated that the school will issue a written response to the community comments and concerns. She reiterated that the project is in compliance with the master plan and will result in a net zero population increase. She stated that the financial aspects of the project are outside the Board's scope. She invited the board members to tour the campus and see how the project complies with the school's master plan.

President Zuppan closed Oral Communications

8. CONSENT CALENDAR.

8-A Zoning Administrator and Design Review Recent Actions and Decisions. A report of recent actions on minor variances, minor variances, and design review applications.

Item 8-B was moved to the Regular Agenda Items.

Board member Knox White motioned to approve the consent calendar.

Vice President Burton seconded the motion.

Motion carried, 6-0; no abstentions

9. REGULAR AGENDA ITEMS

8-B Approve a Modification to the Master Street Tree Plan to Add Robinia pseudoacacia (Black Locust) to the Planting Palette for the 1300 Block of Bay Street.

Planning Services Manager gave brief presentation.

President Zuppan opened public comment.

Karen Flanders, resident, stated that the residents of the street would like the tree-scape to remain as is.

David Maxcy, resident, stated that the current trees are pink, and the residents of the street would like the replacement trees to be the same or at the very least, the same color.

President Zuppan clarified with staff and informed the residents that the Robinia pseudoacacia trees are in fact pink and the plan modification is to guarantee that the correct tree is planted.

Belinda Ray, resident, stated that the arching trees that meet in the middle make the street beautiful and create character. She said she would like the trees to remain the same. She referenced the amount of commercials filmed on the street because of the trees.

Tim Rumberger, resident, stated he is not aware of any invasive issues, or sidewalk damage caused by the current trees. He referenced the amount of commercials filmed on the street and cited economic incentive for keeping the same species of trees; he urged the Board to approve the motion as it has been amended to allow for the pink version of the tree.

President Zuppan closed public comment.

Board member Ezzy Ashcraft voiced her approval of the amendment and suggested to staff that more of these trees be planted throughout the City because of their economic value.

Board member Ezzy Ashcraft motioned to approve a modification of the Master Street Tree Plan.

Board member Knox White seconded the motion.
Motioned carried, 6-0; no abstentions.

9-A Conditional Use and Design Review Application– PLN11-0378, 1600 Park Street (Former Good Chevrolet Site) Proposed commercial buildings, including two one-story structures and a parking lot to be accessed from

Foley Street, Tilden Way, and Park Street. The applicant is also requesting a conditional use permit for approval of a drive-thru lane and window and 24 hour operations. The application also requires the removal and replacement of up to two existing street trees in the Tilden Way median.

Vice President Burton recused himself.

Andrew Thomas, Planning Services Manager, gave brief presentation.

President Zuppan clarified with staff that the plans have changed and now included actual windows facing Tilden.

Greg Kline, architect, gave brief presentation and corrected staff's presentation stating that CVS prefers the right turn only option from the driveway onto Park Street. He clarified that the arched glass above the window boxes is clear glass and allows pedestrians to see in.

Board member Ezzy Ashcraft clarified with Mr. Kline that the glass used in the window arches on Tilden Way, the arched windows in the rear of Pad A building as well as the Pad B is spandrel glass, which has a coating that doesn't allow people to see through it. She confirmed with staff that the code requires 1 bicycle parking space per every 10 vehicle spaces.

Obaid Khan, City Traffic Engineer, confirmed that two long term bicycle parking spaces (bike lockers) have been included in the conditions (number 61), which is in addition to the regular, short-term bicycle parking.

Board member Ezzy Ashcraft clarified with staff that turn-around space according to the traffic study REA has been provided. She clarified that space in the parking lot for a holiday tree has also been reserved.

Josh Eisenhut, Armstrong Development, gave brief presentation.

Board member Henneberry clarified with Mr. Eisenhut that by requesting the 24 hour use permit now, before business conditions warrant the need, allows CVS all the necessary permits to quickly implement operational hour changes in the future without seeking additional approval.

Board member Ezzy Ashcraft clarified with staff that it would take less than two months to hold a public hearing and seek approval for CVS to extend operating hours. She confirmed with Mr. Eisenhut that Armstrong Developers have opened several CVS stores in urban settings; however those stores were modifications to an existing building.

Board member Knox White clarified with Mr. Eisenhut that the addition of a Park Street entrance/exit provides convenience to CVS customers as well as the smaller retail stores that will inhabit the other building.

Board member Köster clarified with staff that any modifications to the driveway will be applied to the two parking plans which have been provided, one with an REA and one without.

President Zuppan opened public comment.

Patsy Paul, resident, stated that she is against 24-hour use permit because of increased traffic, safety, noise pollution, light intrusion, additional CO2 emissions, and parking impact. She requested that the Board deny the application for the use permit.

Nanette Burdick, resident, expressed concern with the design permit commenting that the Foley Street entrance is problematic, because it is a narrow residential alley with limited residential parking. She expressed concern about additional employee parking impacting already limited residential parking. She suggested that Tilden Way, be changed to a one way street with parking for employees, and Tilden way become the main entrance for CVS. She expressed concerned about safety, noise pollution, lighting, trash be placed at least 50 feet away from any resident, 4 foot attractive brick wall providing some privacy and proper screening so neighbors aren't looking into a parking lot.

Robb Ratto, Executive Director of PSBA, completely supportive of the project. Expressed support of the drive-through pharmacy, which will allow CVS to be competitive with both Walgreens. He stated the window boxes are imperative for running a retail business, and asks CVS to incorporate public art into the window boxes. He said he liked the diagonal entrance on Park Street because it mirrored the buildings in the core section, and allow a little characteristic, He asked the Board to allow for ingress and right turn only egress on Park Street, stating it's imperative for traffic flow and customer ease.

Audrey Lord-Hausman, resident, expressed concern regarding pedestrian safety especially the Lincoln and Buena Vista intersection and encouraged the Board to design the intersections to be more pedestrian safe. She also requested that one or two benches be installed to allow pedestrians and shoppers to rest.

Colin Herrick, resident, commented on the placement of the garbage bins right against the neighboring house and asked that the bins be relocated. He expressed discontent with the entire project, concurred with Ms. Burdick's comments regarding Foley Street and parking. He also commented on the traffic impact the development will have.

Jacqueline Miranda, resident, concurred with previous speakers, and requests that the Foley Street entrance and exit be closed and the right turn only exits on both Tilden and Park be installed.

Irene Dieter, resident, expressed surprise with the acceptance of the statement that housing over retail establishments on Park Street doesn't make economic sense, and stated that the same thought could be applied to Alameda Point and sets a bad precedence. Requested explanation for allowing one and not the other.

Lear Blitzstein, resident, concurs with Mr. Herrick's statements and is opposed to CVS, a corporation moving into the neighborhood. Expressed concern with light and noise pollution, parking impact, traffic congestion and speeding.

Heath Carlisle, resident, concerned about the extra traffic from the development especially with a 24 hour use permit, and requested that no entrance/exit be allowed on Foley Street.

Brian Kernan, concurred with comments made by Nanette Berdict regarding Foley Street, disagree with 24 hour use permit, and expressed concern with delivery times and inadequate amount of parking. He requested that Tilden way be reduced to single lanes each way, with metered parking.

Jacqueline Cooper, resident, generally opposes the CVS, concerned with the placement of garbage bins, and against the 24 hour drive through. She asked the Board to consider whether a development that includes a CVS pharmacy and Chase bank keeps with the smaller boutique businesses that inhabit Park Street.

David Maxcy, resident, he likes the design and believes it will enhance Park Street. He expressed concern regarding traffic impact on Park Street.

Lorre Zuppan closed public comment.

Andrew Thomas stated that the zoning is commercial manufacturing, that there is an increase in the parking ratio. He clarified that if the Foley Street entrance/exit is closed there will probably not be an REA with the Market Place, which would impact the proposed landscaping and improvements on the Market Place parking lot. He stated that the traffic study doesn't show a significant increase on Foley Street.

Board member Ezzy Ashcraft clarified with staff that Tilden Way is an exclusive transit right of way and a truck route and traffic can be slowed down by use of medians.

Board member Henneberry clarified with staff that lane reduction on Tilden would significantly impact arterial traffic and the operations of the street and may require a General Plan amendment.

Staff expressed a need to maintain lanes for exclusive transit services and bike lane requirements. Staff suggested reviewing the posted speed limit and working with the police department for speed enforcement.

Board member Köster stated that the sidewalks are not continued onto Tilden Way between Foley Street and Buena Vista and is a problem with pedestrian access.

Board member Ezzy Ashcraft requested that staff look into whether proper signage is posted throughout the area. She stated that the conditions address comments regarding light and noise pollution. She clarified with staff that truck deliveries would be limited to 7:00 a.m. and 10:00 p.m.

Board member Henneberry stated the one way entrance and exit on Park Street is a good compromise and is supportive. He stated in terms of fairness that the drive-through pharmacy should be permitted. He questions the need for the 24 hour operating permit and suggested that CVS apply for that permit at a later time, once business conditions prove the need. He stated that he would prefer fewer spandrel windows.

Board member Ezzy Ashcraft stated that her preference is to allow only for an entrance into the development from Park Street with that customers exit onto Tilden or Foley. She will support the drive-through pharmacy, but questions the actual need for it. She is not supportive of the 24-hour use permit stating that there is not a current need, and that there is no point in burdening the residents. She stated that she wants the majority (3) of the Park Street windows to be windows and the remaining two could be window boxes.

Board member Knox White commented that Tilden needs to be changed into a 25 mph zone. He stated that he would like the City to find a way to make the current proposed design on Tilden work temporarily while the City works through the process for redesigning Tilden to make sure the City gets what it wants. He recommended that the one way Park Street entrance be approved and reduce the lane width, which would allow Building B expand in size. He stated that parking should not be permitted between the two buildings. He stated that "good faith REA" discussions should be required and he projects that REA would result in a net loss in vehicles exiting onto Foley Street. He stated that he is not supportive of the 24 hour use permit, and stated that CVS can request it at a later date, should they determine a need. He encouraged that the investment group investigate ideas/agreements to allow residential parking overnight. He would like to condition that the garbage bins be relocated, and a lighting plan be approved. He suggested that truck delivery be limited to Tilden Way. He will acquiesce on the windows.

Board member Ezzy Ashcraft requested that the wording of condition #72 be changed from "encouraged" to "required."

Board member Köster stated that narrowing the street and providing a larger building space in Pad B is a good idea. He stated that Tilden Way should be one way entrance and exit and the sidewalk should continue to Buena Vista with turning lanes, truck parking access, and a bike path. He concurs with Board comments regarding the 24 hour use permit. He requests as much screening between the parking lot, drive-through, and residents as possible. He would prefer regular windows on Park Street and referenced a new CVS in San Francisco that has real windows. He also concurred with comments made by Board member Knox White.

President Zuppan clarified with staff that the Newspaper Stand in front of Pad B can be moved if it is in the public right of way. She clarified with staff that the crosswalk from Pacific currently has crosswalk lights.

Board member Ezzy Ashcraft clarified with staff that the in-pavement lights have been repaired and signs have been installed.

Board member Köster stated that bulb outs assist with pedestrians stepping out and allowing motorist to see them before crossing.

President Zuppan clarified with staff that residents have a preferential parking permit program; however they would have to incur the cost of implementing the program in their neighborhood. She expressed interest in seeing the condition that the drive-through be removed in the building changes occupancy, which would require a new tenant to request permission to use it. She concurred with Board member Knox White's suggestion to decrease the width of the entrance. She expressed concern with the left turn lanes from Park Street and how traffic and pedestrian safety will be impacted without lights.

Obaid Khan, Public Works, stated that access from Park Street requires emergency vehicle access and Municipal Code requires a driveway width of 20 feet. He stated that staff will review the code and try to accommodate the request to reduce the width. He stated that pedestrians must exercise judgment when crossing streets, and that the City can restrict left turn in the future if needed.

Board member Ezzy Ashcraft commented that parking between the two buildings is convenient she likes that the spaces are screened and pushed back, and does not object to keeping the spaces.

Board member Knox White motioned to continue the meeting to 11:30 p.m. and hear the remaining two items.

Board member Henneberry seconded the motion.

Board member Ezzy Ashcraft clarified with staff that they would prefer that the Board attempt to review item 9B and if time permit a discussion regarding item 9C can occur.

Motion carried, 5-0; Burton recused.

Board member Knox White expressed concern that all the activity generators (ATM, etc...) are located at the back of the building and suggested that the activity generators be moved to Park Street.

President Zuppan concurred with Board member Knox White and clarified with staff that the current condition regarding Park Street entrances does not orient the front of the building to be on Park Street. She inquired if the driveway can be moved and clarified with staff that a condition of approval to review shifting the driveway.

Board member Köster confirmed with that the exit on Foley Street can be moved to be closer to the end of the street and negating lights from shining into residences.

Board member Ezzy Ashcraft clarified with staff that the landscaping space in the parking lot is not walkable but just decorative.

Staff clarified that a condition of the approval for the landscape requires either a wall or hedge on Foley Street.

President Zuppan is supportive of the comments from board member Knox White regarding the median and sidewalk. She supports the installation of benches, REA parking agreement, trying to address employee parking, moving the trash bins, smaller Park Street entrance, and limiting truck delivery on Tilden outside of rush hour, and the removal of the drive-thru when occupancy changes. She would prefer to see a higher bike parking ratio than 1:10.

Obaid Khan, Public Works, stated that blocking traffic with a loading zone needs to be reviewed by the Police Chief and the Public Works Director. He clarified that loading zones are usually created in parking spaces, not travel zones.

Josh Eisenhut, Armstrong Development, clarified that he requests that the operating hours be at least the same as the current locations hours of 7 a.m.-11 p.m.

Board member Ezzy Ashcraft stated that she would support the store and drive thru to operate between 7 a.m.-11 p.m.

Board member Knox White requested that if the drive way width be larger than 14 feet, curb to curb, than it come back to the Board for discussion.

Board member Henneberry clarified with staff that the Fire Department is looking for a width of at least 15 feet. He stated that the project is being delayed by requesting that the width of the driveway be changed and he cannot support that suggestion for condition.

Board member Ezzy Ashcraft clarified with staff that the Fire Department would prefer to maintain fire access on both Tilden and Park Street.

Staff stated that they will make the driveway as small as possible and report back to the Board with the final measurements and justifications.

Board member Henneberry commented that a building on the other side of town was recently approved with very few windows.

Board member Knox White stated that he will not hold up approval because of two windows, but he encourages the applicant to increase real windows, and reduce the window boxes.

Both board member Köster and Ezzy Ashcraft concurred with board member Knox Whites statements.

Board member Ezzy Ashcraft motioned to approve the staff resolution as amended. (See attached final Resolution)

Board member Henneberry seconded the motion.

Motion carried, 5-0; Vice President Burton recused.

9-B Appeal of Design Review PLN11-0208 – 1333 Broadway – Winslow Holmes & Ray Butkovich. Appeal approval of a design review project that consists of adding a second story to the single-family residence. The height of the home will increase by 8'-4"; the maximum height of the addition is 28'-11" (35 feet permitted). Grounds given for appeal: shading and loss of privacy

Board member Köster left the meeting.

Board member Henneberry motioned to continue item 9C to the following meeting.

Board member Knox White seconded the motion. He also suggested that an ad-hoc sub-committee be formed to work with staff and address some minor details of the amendment.

President Zuppan assigned Vice President Burton, Board member Knox White, and herself as members of the ad-hoc committee.

Motion carried, 5-0; no abstentions.

Andrew Thomas, Planning Services Manager, gave brief presentation.

Board member Knox White motion to continue the meeting until midnight.

Board member Ezzy Ashcraft seconded the motion

Motion carried, 5-0; no abstentions.

Board member Ezzy Ashcraft clarified with staff that the time the house is in shadows varies depending on the time of year, but generally the house is in shadow for a few hours every day.

President Zuppan opened public comment.

Winslow Holmes, neighbor, discussed construction last year, and voiced his concerns regarding light, not sun. He lives on the first floor of the home and expected to have the light intact and uninterrupted. Hired a surveyor who questioned the property lines and therefore the shade cast drawings. He is requesting the Board to consider requesting the story poles (framework) to provide better evidence of how his home and light are being affected.

Suzanne Vinson, previous neighbor, stated that as a former tenant of the second floor living space, the remodel will block all light coming into the living room. She stated that remodel would impact the value of the window property. Opposes this remodel.

Valerie Choi, neighbor, she confirmed that his only source of sunlight comes into his living room window will be blocked by the remodel.

Marc BabIn, music teacher for resident, is in the home weekly, and stated that the addition of the second floor will completely block out all his sun light

Ray Butkovich, resident, stated that the neighborhood is much more congested, with the building and conversion of single family homes to multi-family units. He stated buildings are too close together and new buildings and remodels eliminate lights from his house. He stated that he opposes this remodel.

Board member Ezzy Ashcraft clarified with Mr. Butkovich that the windows near the roof line are windows near the attic.

Tobin Suji, applicant, recognizes that a second story addition is a change. He said ambient light will still exist. He reiterated that he has tried to keep his neighbors informed. He stated that story poles (framework) had not been constructed because he didn't have the time, and was unable to follow through.

President Zuppan has closed public comment.

President Zuppan clarified with staff that story poles were not part of the requirements, and that requirement is not embedded in any city regulations.

Board member Knox White stated that most houses on the block are two stories but the distance between the buildings are much wider. He stated that he is considering approving the appeal and denying the addition. He concurred that the lighting will be impacted.

Board member Ezzy Ashcraft stated that she spoke with Board member Burton and determined that the design review could be improved. She suggested that the Board consider going back and redesigning the addition.

Mr. Suji, stated that he is going by the recommendation of planning and that although it is difficult to consider a redesign, it is something he would consider.

Board member Knox White confirmed that if the appeal is upheld then the project is denied and the applicant must start over.

Board member Knox White motioned to extend the meeting until 12:15

Board member Henneberry seconded the motion

Motion carried, 5-0; no abstentions.

Board member Knox White clarified with the applicant that the applicant is not interested in applying for new permits when his neighbors are probably going to oppose the redesign. He stated that he may be interested in approving something that is consistent with the code, but not necessarily this particular design, stating that if the applicant is following the rules it is very difficult for the Board to not approve the permit.

President Zuppan stated that based on the staff report it is clear that the neighbors are not interested in a redesign since they oppose the addition of a second story.

Vice President Burton clarified with staff that a variance is not being asked for. He stated that there are no rules against a second story addition, and that there won't make much difference with the amount of light and air if the eaves height is maintained and the addition is set back two feet. He stated that since the applicant has designed according to the code and he has a hard time upholding the appeal.

Board member Ezzy Ashcraft stated that the one applicant is concerned with privacy, while the other neighbor is concerned with lighting.

Board member Henneberry stated that he will support staff's recommendation.

President Zuppan stated that she is not inclined to uphold the appeal.

Board member Knox White stated that if Board chooses to deny the appeal then the municipal code needs to be changed due to adverse effects of blocked lighting and views. He stated that there are very specific finding that he cannot make and to. He stated that he will be vote to uphold the appeal.

Board member Ezzy Ashcraft stated that there are adverse effects on shading and lighting and if the applicant were to go back and redesign and the neighbors continued to object that the Board could overrule the objection. She stated that she cannot in good conscience make the finding.

Board member Knox White motioned to continue the meeting to 12:30 a.m.
Vice President Burton seconded the motion.
Motion carried, 5-0; no abstentions.

Staff clarified that four votes are need to uphold the appeal.

Board member Ezzy Ashcraft stated that by narrowly looking at the findings she cannot make the finding that Mr. Butkovitch's privacy is impacted since the addition is looking in on the attic which she does not consider living space.

Board member Knox White motioned to uphold both appeals.
Board member Henneberry seconded the motion.
Motion does not carry 1-4; no abstentions.

9-C Recommendation to Approve a Zoning Amendment, Design Review Manual, and Final EIR for the North Park Street Planning Area. **Item Continued to a later date.**

WRITTEN COMMUNICATIONS

NONE

BOARD COMMUNICATIONS:

Board member Knox White requested that the Board receive copies of the St. Joseph's Master Plan prior to Board review of the item. He suggested that Harbor Landing send an update letter to the Board as an off agenda item. He stated that Otis Street, a priority bikeway, was recently and no bike facilities were installed. He questions if proper protocol was followed and would like to find out how ensuring proper protocol is followed is going to be addressed.

President Zuppan stated the Southshore Center needs to come back for review because they have not met all compliance requirements (bike lane, sidewalks, etc)

12. ORAL COMMUNICATIONS

NONE

13. ADJOURNMENT